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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,303

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Mark E. Pecan

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EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/689,303	Applicant(s) PECEN ET AL	
	Examiner Brian D. Nguyen	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10, 12, 13 and 15-25 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 11, 14 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/17/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 15-17, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Beckmann et al (2005/0066034).

Regarding claims 1, 15, and 20, Beckmann discloses a system and a method of communicating signaling messages in a wireless communication network comprising: reading a signaling message, that is of a particular type (see message type in paragraphs 0038, 0058); reading a message identifier assigned to the particular type of signaling message (see message identification in paragraph 0039, 0054); packetizing the signaling message within one or more cell broadcast service pages (see protocol stack in figure 1, note that a packet header is added (packetizing) when a message is transmitted from an upper layer to a lower layer), each of which includes the message identifier (see paragraph 0039); and transmitting the one or more cell broadcast service pages (see paragraph 0031, 0035, 0039).

Regarding claims 2, 16, and 21, Beckmann discloses reading a signaling message including a temporary mobile group identity for a multicast or broadcast service (see multicast group identification in paragraph 0012-0013).

Regarding claims 3, 17, and 22, Beckmann discloses reading a signaling message that controls discontinuous reception operation (see paragraph 0007, 0035).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 18, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckmann in view of Karol et al (2004/0199662).

Regarding claims 4, 18, and 23, Beckmann does not specifically disclose making one or more duplicate copies of the one or more cell broadcast service Pages; and transmitting the one or more duplicate copies. However, this feature is well known in the art. Karol discloses this feature (see claim 1). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to duplicate and transmit the packet as taught by Karol in the system of Beckmann to improve the reliability of the system.

5. Claims 5, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckmann in view of Shin (2004/0038691).

Regarding claims 5, 19, and 24, Beckmann does not specifically disclose fragmenting and multiplexing the packets for transmission. However, these features are well known in the art. Shin discloses these features (see paragraph 0036 and claim 40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to fragmenting

Art Unit: 2661

(segmenting) and multiplexing the packets as taught by Shin in the system of Beckmann in order to conform to the protocol used by the transporting network.

6. Claims 6, 9-10, 12-13, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckmann in view of Bargerion et al (2004/0240562).

Regarding claims 6 and 25, Beckmann discloses all the claimed subject matter as described in previous paragraph (note that the process performed by the receiver described in claim 6 is merely a reverse process performed by the transmitter described in claim 1) including the teaching that the receiver can receive an offer, a commercial or an advertisement for a new product, and consumer information in some other form (see paragraph 0009). Beckmann does not specifically disclose a program module. However, it is well known that a program module is needed to process the received data. Bargerion discloses the use of program modules (see paragraph 0110). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the program module as taught by Bargerion in the system of Beckmann in order to process the received data.

Regarding claims 9-10, claims 9-10 are method claims that have substantially the same limitations as claim 6. Therefore, they are subject to the same rejection.

Regarding claims 12-13, claims 12-13 are device claims that have substantially the same limitations as claim 6. Therefore, they are subject to the same rejection.

Response to Arguments

7. Applicant's arguments filed 11/17/05 have been fully considered but they are not persuasive.

The applicant argued that the reference silent as to “packetizing the signaling message within one or more cell broadcast service pages, each of which includes the message identifier.”. The examiner disagrees because paragraph 0039 teaches that cell broadcast service (CBS) includes a message identifier identifying the type of CBS message. As a signaling message moves from an upper layer, in the protocol stack shown in figure 1, to a lower layer, a packet header that include different fields is added to the signaling message. This process is called packetizing or encapsulating. At the receiving end, the packet header is removed and the signaling message is processed. This packeting/encapsulating is a standard feature of the protocol stack shown in figure 1 of Beckmann. Regarding claims 9 and 12, the applicant argued that Beckmann fails to disclose a communication device receiving, checking or passing as defined in claims 9 and 12. The examiner disagrees because claims 9 and 12 claim a receiving unit that receives cell broadcast service message (CBS), check the message identifier, and pass the message to a program module (to an upper layer). Beckmann clearly teach a receiving unit that receives and process CBS that include a message identifier (paragraphs 0018 and 0039). Regarding claims 4, 18, and 23, the applicant argued that Karol does not disclose making duplicate copies of one or more cell broadcast messages. The examiner disagrees because, for example, in the abstract, Karol clearly teaches that duplicate a packet for transmission to protect against node failures, link failures, and packet errors. People of ordinary skilled in the art will duplicate packets including cell broadcast service packets to protect against node failures, link failures, and packet errors. Regarding claims 5, 19, and 24, the applicant argued that Shin does not disclose fragmenting and multiplexing a cell broad cast services pages... The examiner disagrees because paragraphs and 0018 and 0036 clearly fragmenting (segmenting) and

Art Unit: 2661

multiplexing. Regarding claims 6, 9-10, 12-13, and 25, the applicant argued that the Examiner acknowledges that Beckman does not disclose a program module. The Examiner states that Bargeron teaches the use of program modules. Bargeron discloses a system which includes a computer. However, Bargeron does not include the structure that is missing from Beckmann, and thus even if combined, the combination fails to disclose reading, packetizing and transmitting as defined in claims 1, 15, and 24. The examiner disagrees because Beckmann clearly discloses reading, packetizing, and transmitting as described in previous paragraphs.

Allowable Subject Matter

8. Claims 7, 8, 11, 14, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ludwig et al (6,948,108) shows adding headers at each layer of multiplayer protocol stack.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

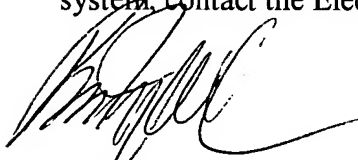
Art Unit: 2661

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



1/30/06

BRIAN NGUYEN
PRIMARY EXAMINER